



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,201	05/21/2001	Ola Gotesson	1483-87PUS	1290

7590

10/16/2003

Lance J Lieberman
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue
Suite 1210
New York, NY 10176

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 10/16/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,201

Applicant(s)

GOTESSON, OLA

Examiner

Stephen J. Castellano

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3727

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bagwell et al. (Bagwell).

Bagwell discloses a waste bin assembly which is capable of being mounted to an underside of an elevated work surface and receives and accommodates waste deposited into the assembly, the waste bin assembly comprises a plurality of waste-receiving compartments (bins 12), a mounting unit (cup 21, cross members 20 and support strips 19 with handles 38) which is constructed and positioned for securement to the underside of the elevated work surface for suspending the compartments from the work surface, an elongated shaft (tube which is part of the support member 18 and which extends from the cup 21) extending from the mounting unit at one end of the shaft to the compartments at an opposite end of the shaft, the compartments being detachably secured to the shaft so as to be capable of suspending the compartments on the shaft from the underside of the work surface such that the assembly is suspended in hanging relation from the underside of the elevated work surface without direct support of the assembly from an underlying floor and a bearing (the internal curved surface of the cup 21) in the mounting unit for enabling selective rotation of the shaft and compartments.

Claims 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Moon ('598) (Moon 1).

Art Unit: 3727

Moon 1 discloses a receptacle (R) which hangs from shaft (6) since it rests upon shelf 10, bracket (9) and collar (7), the collar (7) is suspended upon shaft (10) that is suspended below counter (C) by its attachment through bearings (1 and 2)

Moon 1 discloses a plurality of waste receiving compartments (receptacle R and shelf 10 which is recessed on its top side), a mounting unit (upper bearing 1 and lower bearing 2), an elongated shaft (6) extending from the mounting unit at one end (the upper end) of the shaft to the compartments at an opposite end (the lower end) of the shaft, and a bearing (upper bearing 1) in said mounting unit.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bagwell.

Bagwell discloses the invention except for the square cross section. Tubes of square cross section are well known. It would have been obvious to modify the tubes cross section to be square in order to form flat surfaces for attachment of the hooks in order to match with flat adjacent surfaces of the hooks so that the connection between the hooks and the tube is more stable and will prevent against rotational movement with respect to a vertical axis.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bagwell in view of Moore.

Bagwell discloses the invention except for the plurality of bores. Moore teaches the mounting of a compartment to a shaft through a plurality of bores in the shaft. It would have

Art Unit: 3727

been obvious to add bores in order to provide an areas of attachment which are below the upper end of the tube to provide securement near lower ends of the compartments and which can accept a threaded fastener to provide a tighter engagement between the shaft and the compartment to prevent inadvertent removal of the compartment.

Claims 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon 1, Moon ('320) (Moon 2) and Powers in view of Ford et al. (Ford).

Moon 1 discloses a receptacle (R) which hangs from shaft (6) since it rests upon shelf 10, bracket (9) and collar (7), the collar (7) is suspended upon shaft (10) which is suspended below counter (C) by its attachment through bearings (1 and 2).

Moon 1 discloses at least one waste receiving compartment (either, receptacle R or shelf 10 which is recessed on its top side), a mounting unit (upper bearing 1 and lower bearing 2), an elongated shaft (6) extending from the mounting unit at one end (the upper end) of the shaft to the compartments at an opposite end (the lower end) of the shaft, and a bearing (upper bearing 1) in said mounting unit.

Moon 2 and Powers are very similar in construction to Moon 1 and include all the same essential elements as Moon 1.

Moon 1, Moon 2 and Powers disclose a first compartment. Moon 1, Moon 2 and Powers disclose the invention except for at least another compartment. Ford teaches the mounting of two compartments at either side of a shaft. It would have been obvious to add another compartment at the other side of the shaft and attach the other compartment by similar means as denoted in each of Moon 1, Moon 2 and Powers, respectively, as motivated by the need for an

Art Unit: 3727

additional compartment to double the capacity or a need to store different types of items segregated from the items of the first compartment.

Applicant's arguments with respect to claims 4, 6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

Application/Control Number: 09/831,201

Page 6

Art Unit: 3727

Any inquiry concerning this communication of earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is (703) 308-1035.


Stephen Castellano
Primary Examiner
Art Unit 3727